

412 644-5754

DATE: AUGUST 17, 1998

CASE NO: 98-ERA-11

In the Matter of

JOEL M. HASHIM
Complainant

v.

FIRSTENERGY CORPORATION
Respondent

RECOMMENDED DECISION AND ORDER

This case arises under Section 211, of the employee protection provision, of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. §§ 5801 *et seq.* (1982); Employee Protection § 5851; implementing regulations at 29 C.F.R. Part 24.

The parties jointly request approval of a Confidential Settlement Agreement which is incorporated by reference. The signed Stipulation of Dismissal with Prejudice is incorporated and attached hereto and Exhibit A.

Respondent, FirstEnergy, Corporation, formally known as Centerior Energy Corporation, submits the settlement agreement pursuant to 29 C.F.R. § 70.26(b) and contends that the Confidential Settlement Agreement is confidential commercial and financial information exempt from disclosure under the Freedom of Information Act ("FOIA"). Respondent requests notice of any FOIA request seeking disclosure of the settlement agreement prior to any disclosure thereof.

I have limited my review of the settlement to determine whether the terms thereof are fair, adequate, and reasonable regarding Complainant's allegation that Respondent violated the ERA.

Accordingly, I find the terms of the agreement within the scope of my authority under the ERA, to be fair, adequate, and reasonable, and to that extent I approve it. The complaint in this case is DISMISSED with prejudice.

So ORDERED.

DANIEL L. LELAND
Administrative Law Judge

DLL/lab

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. §24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, DC 20210. Such a petition for review must be received by the Administrative Review Board within **ten** business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief, Administrative Law Judge. *See* 29 C.F.R. §§ 24.8 and 24.9, as amended by 63 Fed. Reg. 6614 (1998).